THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.21588 OF 2005

DATED:4.10.2005

Between:

Alugubelly Venkat Reddy

…Petitioner

And

Joint Collector, Nalgonda District at Nalgonda and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.21588 OF 2005

ORDER:

The petitioner is resident of Kudakuda Village in Nalgonda District. He claims to be absolute owner of land admeasuring Ac.7.37 gts. in S.No.298 situated at B.Madharam Village. It appears, the petitioner's father Laxma Reddy sold the land to fourth respondent under unregistered sale deed (sada sale deed) for a valid consideration. The fourth respondent approached the Mandal Revenue Officer, third respondent herein under Section 5-A of the A.P.Rights in Land and Pattadar Pass Books Act, 1971 (for short, the Act) for validation of the said unregistered sale deed. After conducting enquiry, the Mandal Revenue Officer issued certificate in form 13-B validating the sale in favour of fourth respondent over an area of Acs.1.00 out of land in S.No.298. The petitioner preferred an appeal before the Revenue Divisional

Officer under Section 5-B of the Act, who reversed the proceedings of the Mandal Revenue Officer. In the ensuing revision petition filed by fourth respondent under Section 9 of the Act, the Joint Collector by well considered order set aside the order of the Revenue Divisional Officer and allowed the revision petition. The proceedings/order of the Joint Collector, first respondent herein, are assailed in the Writ Petition.

Learned counsel for the petitioner contends that the Mandal Revenue Officer did not issue any notice to the petitioner and conducted enquiry behind the back of the petitioner and therefore the enquiry conducted by the Mandal Revenue Officer cannot be basis for validating the sale. The petitioner contends that allegedly father of the petitioner executed the sada sale deed in 1963 and fourth respondent kept quiet for about thirty years and approached the Mandal Revenue Officer under Section 5-A of the Act which would itself render the sale deed suspicious. Lastly, he submits that the impugned order of the Joint Collector is vitiated by perversity.

The Joint Collector framed four issues as under.

1. Whether the purchase of land by the revision petitioner is genuine or not?
2. The service of notice is proper or not?
3. Whether the suit land is an agricultural land or non-agricultural land?
4. The MRO has recorded the statements property or not?

The finding on issue No.1 is in favour of the revision petitioner, fourth respondent herein. On issue No.2, the Joint Collector recorded that the petitioner herein refused to receive notice sent by the Mandal Revenue Officer and therefore the same was displayed on the notice board of the Gram Panchayat before conducting enquiry and passing orders. For this reason, the petitioner cannot seek any redressal especially when he did not produce any evidence to prove his possession over the land, whereas the fourth respondent filed copies of pahanies to prove his possession. On issue No.3 and 4, the Joint Collector relied on the record of the Mandal Revenue Officer and also the judgment of the District Munsif, Suryapet in O.S.No.353 of 1993 in which it was held that the land claimed by the fourth respondent was admitted by petitioner to be in possession of the fourth respondent.

After perusing the impugned order, this Court is of considered view that the Joint Collector has properly appreciated the facts and applied correct principles of law. Therefore the impugned order does not warrant any interference in exercise of power of judicial review. The other grounds urged by the petitioner do not merit any consideration.

The Writ Petition is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

4.10.2005

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